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Digital Persona, Inc.*

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 SAFLINK CORP.,

17 Plaintiff,

18 v.

19 DIGITAL PERSONA, INC.,

20 Defendant.

21 Case No. C-05-1554-MMC

22 **STIPULATION AND [PROPOSED]**
23 **ORDER RE: DATES FOR FILING**
24 **CLAIM CONSTRUCTION BRIEFS**

STIPULATION

WHEREAS, the parties in this patent-infringement action have been actively engaged in settlement discussions; and

WHEREAS, the parties have reached an agreement in principle, subject to the drafting and execution of final documents, which will resolve the litigation; and

WHEREAS, under the existing schedule, Digital Persona's Responsive Brief on Claim Construction pursuant to Patent L.R. 4-5(b) is due today, February 21, 2006; SAFLINK's Reply Brief on Claim Construction pursuant to Patent L.R. 4-5(c) is due on February 27, 2006; and the claim construction hearing is set for March 13, 2006; and

WHEREAS, the parties jointly desire that the preceding briefing dates be continued for two weeks, and that the claim-construction hearing also be continued for two weeks, or as soon thereafter as is convenient for the Court, to allow the parties to draft final settlement documents which, upon execution, would obviate the need for any briefing or hearing;

NOW THEREFORE, the parties hereby stipulate, and jointly request that the Court order, that the dates for filing their claim construction briefs pursuant to Patent L.R. 4-5 be continued by 13 days to March 6, 2006 (Responsive Brief), and by two weeks to March 13, 2006 (Reply Brief), and that the Court continue the claim construction hearing until March 27, 2006, or such date thereafter as is convenient for the Court.

Respectfully submitted,

Dated: February 21, 2006 MORRISON & FOERSTER LLP

By: _____ /S/
Richard S. J. Hung

*Attorneys for Plaintiff/Counterdefendant
SAFLINK CORP.*

367701.01
STIPULATION AND [PROPOSED] ORDER

1 Dated: February 21, 2006

KEKER & VAN NEST LLP

2 By: _____ /S/
3 David J. Silbert

4 *Attorneys for Defendant/Counterclaimant*
5 *DIGITAL PERSONA, INC.*

6 I attest that Richard S.J. Hung has authorized me to electronically sign this document on
7 his behalf.

8

9 Dated: February 21, 2006

KEKER & VAN NEST, LLP

10 By: _____ /S/
11 David J. Silbert

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STIPULATION AND [PROPOSED] ORDER

sf-2052043

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

- Digital Persona shall file its Responsive Brief on Claim Construction on or before March 6, 2006;
- SAFLINK shall file its Reply Brief on Claim Construction on or before March 13, 2006; and
- The claim construction hearing is continued from March 13, 2006 to March 27, 2006, at 9:00 a.m.

Dated: February 22, 2006

Maxine M. Chesney
Honorable Maxine M. Chesney
United States District Judge